Attorney Docket:
920537-905604

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TOTAL NUMBER OF PAGES INCLUDING COVER PAGE: 4

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EXAMINER: **Hanh Phan**

GROUP ART UNIT: 2633

ATTN **Examiner**

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Attached: **Response to office action of August 12, 2003**

If you do not receive all pages, please contact William M. Lee, Jr. at (312) 214-4800 or his assistant, Jennifer Ramirez at (312) 214-4829.

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920537-905604

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	: ANSLOW et al
SERIAL NO:	: 09/688,558
FILED:	: OCTOBER 16, 2000
FOR:	: Method And Apparatus For Rapidly Measuring Optical Transmission Characteristics In Photonic Networks
EXAMINER:	: PHAN, HANH
GROUP ART UNIT:	: 2633

I hereby certify that this correspondence is being transmitted to the above – identified examiner at the United States Patent and Trademark Office (703) 872-9314 on September 12, 2003
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RESPONSE

Honorable Director of Patents and Trademarks
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This paper responds to the Office Action mailed August 12 2003, with reference to the above identified application.

Applicant provisionally elects, with traverse, prosecution of Species A as defined by the Examiner, but the requirement is believed to be in error, as explained below. Reconsideration is requested.

Species A relates to an optical network node for use in a network, and which has an apparatus for determining an error ratio of individual channels. The claims clearly readable onto this specie are:

Claims 1 – 3 (the apparatus for determining an error ratio and which is part of the node)

Claims 4 – 8 (the method of determining the error ratio used by the node)

Claims 9 –13 and 18 (the network using the node)

Claims 14 – 17 (the node itself)

The Examiner indicates that there are no generic claims to both species. It is submitted that all claims are generic to both species.

As set out on page 10 line 7, "Figure 7 shows the error measurement circuitry used in the apparatus 68". Apparatus 68 is part of the node shown in Figure 6. Thus, Figure 7 is a more detailed diagram of one component of the device shown in Figure 6.

Thus, applicants submit that Claims 19 – 25 are also readable onto Species A, as these claims define the preferred implementation of block 68 of Figure 6 and the method implemented by block 68. Thus, these claims define in more detail the preferred implementation of one component of the node of Species A and one preferred operation method of that component.

In view of the above arguments, it is hereby submitted that election is not appropriate.

Further consideration of the application is now awaited.

September 12, 2003

Respectfully submitted,

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